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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Charles Patton

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EXAMINER

BIAGINI, CHRISTOPHER D

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/022,805	Applicant(s) PATTON ET AL.	
	Examiner Christopher Biagini	Art Unit 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22,24-35 and 37-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22,24-35 and 37-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Remarks

This application has been assigned to a new examiner. Contact information is located at the end of this action.

Response to Arguments

Applicant's arguments with respect to the rejections of claims 22, 24-35, and 37-47 under 35 USC 103(a) have been fully considered and are persuasive. Accordingly, the rejections are withdrawn. However, upon further consideration, new grounds of rejection are made.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22, 24-29, 31-33, 35, 37-42, and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiavone (US Pub. No. 2002/0120600) in view of Bjorndahl (US Pub. No. 2002/0065099).

Regarding claim 22, note that the preamble has been given patentable weight as it is relied upon by the body of the claim (for example, line 3 refers to "said network").

Schiavone shows a method for managing communications (for example, email messages and other messages: see [0015]-[0017] and [0042]) over a plurality of devices connected to a network (the Internet: see Fig. 5), the method comprising:

- sending, by a first user device in said network (comprising a third party trusted intermediary), a first communication (comprising a collection of rules and/or preference information) to a second user device (comprising a sender's communication device) in said network over a communication channel established between said first user device and said second user device using a first type of communication medium (see [0030] and [0055]); and
- configuring, by said first user device via said communication channel, a use of a communication medium (for example, the Internet) by at least said second user device, wherein said configuring enables said second user device to broadcast messages (for example, emails) to a third device (comprising a recipient's communication device) in said network over said medium, wherein said configuring includes sending, by the first user device, a first contract to the second user device (for example, a collection of rules and/or preference information: see [0030] and [0055]) and a second contract to the third device (for example, a collection of rules: see [0030]), the first contract and the second contract together specifying one or more terms that properties and contents of said messages must satisfy in order to be exchanged between said second user device and said third device over said medium (for example, the recipient-side contract can specify that a message must be signed, as described at [0044], and a sender-

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side contract can specify that messages to a recipient must contain certain information, as described at [0057]-[0058]).

Schiavone does not explicitly show:

- that the first communication is a directed, one-to-one communication;
- that the communication channel is secure;
- that the first type of communication medium is a point-to-point medium;
- that the second communication medium is different from said first type of communication medium;
- that the second communication medium is a shared medium; and
- that the second user device broadcasts messages in a manner that allows said messages to be heard by other devices in said network within range of said second user device and said third device.

Bjorndahl shows:

- that a first communication is a directed, one-to-one communication (comprising an infrared communication: see [0031] and [0035]);
- that the first communication occurs over a secure communication channel (note that the IR transmission is physically secured: see [0031]);
- that the first communication is over a first type of communication medium, which is a point-to-point medium (see [0031]);
- that a second communication medium is different from said first type of communication medium (comprising an RF medium: see [0032] and [0035]);

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- that the second communication medium is a shared medium (note that the medium for RF is shared by any device within range: see [0032]); and
- that a user device broadcasts messages in a manner that allows said messages to be heard by other devices in a network within range of said user device and another third device (for example, the devices used by eavesdroppers: see [0032]).

It would have been obvious to modify the system of Schiavone such that the first and second transmissions occur over different media as taught by Bjorndahl in order to provide for greater security (see Bjorndahl, [0038]).

Regarding claim 24, the combination shows the limitations of claim 22 as applied above, and further shows wherein said configuring comprises: sending, by said first user device, a second communication to said third device over said shared medium (see [0030] of Schiavone and note that the configuration messages are sent periodically).

Regarding claim 25, the combination shows the limitations of claim 22 as applied above, but does not explicitly show wherein said second user device initiates said first communication. However, Schiavone shows that device can initiate communications (see [0030] and note that the device “may communicate via a communications network to obtain a copy of the rule”). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Schiavone such that the second user device initiates the first communication in order to free the trusted third-party device from having to maintain information about every device that wishes to obtain contract information.

Regarding claim 26, the combination shows the limitations of claim 22 as applied above, and further shows wherein at least one of: said first user device and said second user device is a personal computing device (see Schiavone, [0054]).

Regarding claim 27, the combination shows the limitations of claim 26 as applied above, and but does not explicitly that show said personal computing device is at least one of: a personal digital assistant, a tablet computer, a laptop computer, a mobile phone, a handheld gaming device and a picoradio. Schiavone shows that mail devices include, for example, a personal digital assistant (see [0020]). It would have been obvious to implement at least the second user devices as a personal digital assistant in order to allow the sender to send messages from any suitable location.

Regarding claim 28, the combination shows the limitations of claim 22 as applied above, and but does not explicitly show wherein said third device is a network resource. Bjorndahl shows sending messages to a network resource (for example, a printer: see [0041]). It would have been obvious to further modify the system of Schiavone to allow messages to be sent to printers in order to produce a hard copy of information that users find valuable.

Regarding claim 29, the combination shows the limitations of claim 28 as applied above, and further shows wherein said network resource is at least one of: a printer, a projection display, a robot, a scanner, a facsimile machine and a data collection device. See Bjorndahl, [0041].

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Regarding claim 31, the combination shows the limitations of claim 22 as applied above, and further shows wherein said second user device is part of a wireless communication network. See Bjorndahl, [0031]-[0032].

Regarding claim 32, the combination shows the limitations of claim 22 as applied above, and further shows wherein said point-to-point medium is at least one of: an infrared communications network and a radio frequency communications network. See Bjorndahl, [0031].

Regarding claim 33, the combination shows the limitations of claim 22 as applied above, and further shows wherein said first communication grants said second user device a capability to perform a specified action in accordance with said shared medium (comprising the ability to send messages successfully: see Schiavone, [0044]).

Claims 35, 37-42, and 44-46 correspond to claims 22, 24-29, and 31-33 and are rejected for the same reasons as given above.

Claims 30, 34, 43, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiavone (US Pub. No. 2002/0120600) in view of Bjorndahl (US Pub. No. 2002/0065099), and further in view of Rhoads.

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Regarding claim 30, the combination shows the limitations of claim 22 as applied above, but does not explicitly show "wherein said third device is part of a wired communications network."

Rhoads shows wherein a device is part of a wired communications network (see [0023]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Schiavone with the wired network taught by Rhoads in order to improve the speed at which devices can transfer data.

Regarding claim 34, the combination shows the limitations of claim 22 as applied above, but does not explicitly show "wherein said configuring comprises: providing data to said second user device to enable said second user device to connect to said shared medium."

Rhoads shows wherein said configuring comprises providing data to a user device to enable said second user device to connect to said shared medium (for example, using an IR interface to provide IP configuration information: see [0019], [0026]-[0027], and [0038]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Schiavone with the configuring taught by Rhoads in order to quickly and easily configure the device for connection to a network.

Claims 43 and 47 correspond to claims 30 and 34 and are rejected for the same reasons as given above.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Greaves (US Patent No. 6,195,687) shows a master computer providing configuration information to slave computers in a classroom setting.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Biagini whose telephone number is (571) 272-9743. The examiner can normally be reached on weekdays from 8:30 AM to 5:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit
2442

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